

*Suffolk Superior civil #04-2461*

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERK'S OFFICE

2004 SEP 29 A 11:36

ALFOUSSEINY KELLY,  
Plaintiff,

v.

MARCHE MOVENPICK, RICHTREE  
U.S.A., IGOR REICHERT, HOLGER  
MAMMEN, LIZA KASTROM,  
MARTINE THOMAS, ELIE  
GHORAYEB,  
Defendants.

04 12028 RGS

Civil Action No. 04-2461



U.S. DISTRICT COURT  
DISTRICT OF MASS.

I TEST AND CERTIFY ON \_\_\_\_\_  
THAT THE FOREGOING DOCUMENT IS A FULL, TRUE  
AND CORRECT COPY OF THE ORIGINAL ON FILE  
IN MY OFFICE AND IN MY LEGAL CUSTODY.

**NOTICE OF REMOVAL**

CLERK, U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS:

PLEASE TAKE NOTICE the Defendants, Marche Movenpick and Richtree U.S.A.,  
hereby serve notice of removal of the above-entitled action to this Court and make the following  
showing in support of such removal:

**PLEADINGS AND PROCEEDINGS TO DATE**

1. On or about June 4, 2004, an action was commenced in the Suffolk Superior  
Court of the Commonwealth of Massachusetts, entitled Alfousseiny Kelly v. Marche Movenpick,  
Richtree U.S.A., Igor Reichert, Holger Mammen, Liza Kastrom, Martine Thomas, Elie  
Ghorayeb, Civil Action No. 04-2461, by the filing of a Summons and Complaint, copies of  
which are attached hereto as Exhibit A.

Commonwealth of Massachusetts  
SUFFOLK SUPERIOR COURT

Case Summary  
Civil Docket

09/21/2004  
01:58 PM

FILED  
IN CLERKS OFFICE

SUCV2004-02461  
Kelly v Marche/Movenpick Richtree USA et al

2004 SEP 29 A 11:36

File Date 06/04/2004  
Status Date 09/21/2004  
Origin 1  
Lead Case

Status Disposed: transferred to other court (ddans)  
Session E - Civil E  
Case Type B99 - Misc tort  
Track F

DISTRICT COURT  
DISTRICT OF MASS.

Service 09/02/2004  
Rule 15 11/01/2004  
Final PTC 05/30/2005

Answer 11/01/2004  
Discovery 03/31/2005  
Disposition 07/29/2005

Rule 12/19/20 11/01/2004  
Rule 56 04/30/2005  
Jury Trial Yes

PARTIES

Plaintiff

Alfousseiny Kelly  
Active 06/04/2004

Defendant

Marche/Movenpick Richtree USA  
Served: 08/20/2004  
Served (answr pending) 09/02/2004

Defendant

Igor Reichert, President  
Served: 08/20/2004  
Served (answr pending) 09/02/2004

Private Counsel 555661

Robert M Warren  
11 Green Street  
Jamaica Plain, MA 02130  
Phone: 617-983-1441  
Fax: 617-524-7610  
Active 06/04/2004 Notify

Private Counsel 549872

Andrew C Pickett  
Jackson Lewis LLP  
75 Park Plaza  
4th Floor  
Boston, MA 02116  
Phone: 617-367-0025  
Fax: 617-367-2155  
Active 09/21/2004 Notify

Private Counsel 645170

Richard W Paterniti  
Jackson Lewis LLP  
1 Beacon Street  
Suite 3300  
Boston, MA 02108  
Phone: 617-367-0025  
Fax: 617-367-2155  
Active 09/21/2004 Notify

SUCV2004-02461

Kelly v Marche/Movenpick Richtree USA et al

**Defendant**

Holger Mammen, General Manager

Served: 08/20/2004

Served (answr pending) 09/02/2004

**Defendant**

Liza Kastrom Director

Served: 08/20/2004

Served (answr pending) 09/02/2004

**Defendant**

Martine Thomas

Served: 08/20/2004

Served (answr pending) 09/02/2004

**Defendant**

Elie Ghorayeb

Served: 08/20/2004

Served (answr pending) 09/02/2004

**ENTRIES**

Date	Paper	Text
06/04/2004	1.0	Complaint filed with request for trial by jury
06/04/2004		Origin 1, Type B99, Track F.
06/04/2004	2.0	Civil action cover sheet filed
09/02/2004	3.0	SERVICE RETURNED: Igor Reichert, President(Defendant) (In hand to Uwe Holtze)
09/02/2004	4.0	SERVICE RETURNED: Elie Ghorayeb(Defendant) (In hand Uwe Holtze)
09/02/2004	5.0	SERVICE RETURNED: Martine Thomas(Defendant) (In hand to Uwe Holtze)
09/02/2004	6.0	SERVICE RETURNED: Liza Kastrom Director(Defendant) (In hand to Uwe Holtze)
09/02/2004	7.0	SERVICE RETURNED: Holger Mammen, General Manager(Defendant) (In hand to Uwe Holtze)
09/02/2004	8.0	SERVICE RETURNED: Marche/Movenpick Richtree USA(Defendant) (In hand to Uwe Holtze)
09/21/2004		Certified copy of petition for removal to U. S. Dist. Court of

Commonwealth of Massachusetts  
SUFFOLK SUPERIOR COURT

Case Summary

Civil Docket

09/21/2004

01:58 PM

SUCV2004-02461

Kelly v Marche/Movenpick Richtree USA et al

Date	Paper	Text
		Defts. Marche Movenpick and Richtree U. S. A. U. S. Dist.#(0412028RCS).
09/21/2004		Case REMOVED this date to US District Court of Massachusetts

EVENTS

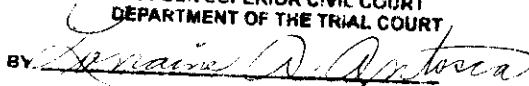
I HEREBY ATTEST AND CERTIFY ON

SEPT. 21, 2004 THAT THE

FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY



ASSISTANT CLERK.

## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT DEPARTMENT  
SUFFOLK DIVISION  
CIVIL ACTION NO.\_\_\_\_\_  
ALFOUSSEINY KELLY,  
Plaintiff

v.

\_\_\_\_\_  
MARCHE/MOVENPICK, RICHTREE,  
U.S.A.  
IGOR REICHERT, HOLGER MAMMEN,  
LIZA KASTROM, MARTINE THOMAS,  
ELIE GHORAYEB,  
Defendant

04-2461 E

COMPLAINT AND DEMAND  
FOR JURY TRIALINTRODUCTION

This is an action by the Plaintiff, Alfousseiny Kelly against the Defendants Marche/Movenpick, Richtree USA, Igor Reichert, Holger Mammen, Liza Kastrom, Martine Thomas and Elie Ghorayeb for discrimination on account of national origin discrimination and race, assault and battery and violation of public policy as an exception to the at-will employment rule in Massachusetts.

STATEMENT OF JURISDICTION

1. The court has jurisdiction pursuant to M.G.L. c. 151B in that the Plaintiff met his administrative prerequisite by filing his complaint for discrimination within six (6) months of the complained of action by the defendants. See Exhibit A, Complaint of Discrimination received by the Massachusetts Commission Against Discrimination, Docket No. 01BEM10126.

PARTIES

2. Plaintiff, Alfousseiny Kelly resides at 34 Creighton Street, Jamaica Plain, Massachusetts.
3. Defendants Marche/Movenpick, Richtree, U.S.A. is a corporation with offices in Massachusetts located at 800 Boylston Street, Boston, MA.
4. Defendant Igor Reichert, is the President of Marche/Movenpick, Richtree, U.S.A with his office located at 111 Richmond Street West, Suite 1500, Toronto, Ontario M5H 2G4, Canada.
5. Defendant Holger Mammen is the General Manager of Rich Tree (U.S.) Inc with offices at 800 Boylston Street, Boston, MA.
6. Liza Kastrom is the director of Human Resources for Rich Tree (U.S.) Inc. with offices at 800 Boylston Street, Boston, MA.
7. Martine Thomas works for Rich Tree (U.S.) Inc, at the office at 800 Boylston Street, Boston, MA.
8. Elie Ghorayeb was a supervisor for Rich Tree (U.S.) Inc. at the office at 800 Boylston Street, Boston, MA.

STATEMENT OF FACTS AND CLAIMS

9. The Plaintiff is 42 years old and was born in Mali, Africa.
10. He was an employee for defendant Marche-Movenpick/Rich Tree (U.S.) Inc. (hereinafter "Marche") from March 23, 2000 until June 12, 2001 when he was terminated.
11. The plaintiff's primary responsibility at his employment was as a pastry chef for the Defendant Marche's restaurant.

12. During the plaintiff's employment with Marche, he received very good evaluations including as recent as April, 2001.
13. During the course of his employment, the plaintiff complained to the human resources department and the General Manager of the defendant Marche about the lack of contribution to the work of the pastry department by his co-workers.
14. As a result of his complaints, he was forced to work harder and perform the required work of two to three employees.
15. In May, 2001, the plaintiff complained to defendant Mammen telling him that he was very tired after his shift because his co-workers were clocking in and then disappearing for long periods of time leaving him to do their work as well as his own.
16. Defendant Mammen told the plaintiff that he would speak with defendants Thomas and Ghorayeb about the situation.
17. A meeting took place between the plaintiff, defendants Mammen, Thomas and Ghorayeb. In that meeting the plaintiff told the defendants that he was doing the work of five employees and that nobody was helping him. He said he could not do the job and that he needed help.
18. On June 7, 2001, the plaintiff was working when he was told by defendant Thomas that a customer complained that he refused to give ice to a customer. The plaintiff told Thomas he did not know what she was talking about and he denied the accusation.
19. Defendant Thomas grabbed the plaintiff by his pants and grabbed his hands without his consent. She told him to "Leave now!"

20. The plaintiff was in shock but he told her he would leave. He then went to defendant Kastrom and told her that Thomas had assaulted him and attacked him. All he told Thomas during her attack was "Don't do it."
21. As a result, Ms. Kastrom sent the plaintiff home with a warning for "rudeness to employees or customers" and "that I was upset at my station."
22. On June 12, 2001, defendant Marche terminated him.
23. During his employment, the plaintiff observed that Brazilian co-workers were treated more favorably than his treatment.
24. This was particularly true of his supervisor defendant Ghorayeb.
25. In addition, Ghorayeb said, "I don't like your face."
26. Some of the favored employees are the same ones who failed to do their work leaving the plaintiff to complete those tasks. Yet, the plaintiff was disciplined and fired for complaining about this disparate treatment.
27. In March, 2001, defendant Igor Reichert, the owner and President of Marche met the plaintiff at his work station and both complimented the plaintiff's work and apologized for the situation there. This showed that the highest levels of management of Marche were aware of the problems yet chose to do nothing about it except to fire the plaintiff.

COUNT I-DISCRIMINATION: NATIONAL ORIGIN

28. Plaintiff repeats and incorporates by reference the allegation contained in paragraphs 1 through 27 as if fully set forth herein.



29. By the conduct described in paragraphs 1 through 27, all of the defendants discriminated against the plaintiff on account of his national origin in violation of Massachusetts General Laws chapter 151B.

30. The Plaintiff suffered greatly as a result of the Defendant's actions.

31. Wherefore, Plaintiff demands judgment against the Defendant for actual and compensatory damages with interest, costs and attorney's fees for pain and suffering, emotional distress and lost income.

#### COUNT II-DISCRIMINATION: RACE

32. Plaintiff repeats and incorporates by reference the allegation contained in paragraphs 1 through 31 as if fully set forth herein.

33. By the conduct described in paragraphs 1 through 31, all of the defendants discriminated against the plaintiff on account of his race in violation of Massachusetts General Laws chapter 151B.

34. The Plaintiff suffered greatly as a result of the Defendant's actions.

35. Wherefore, Plaintiff demands judgment against the Defendant for actual and compensatory damages with interest, costs and attorney's fees for pain and suffering, emotional distress and lost income.

#### COUNT III- ASSAULT AND BATTERY

36. Plaintiff repeats and incorporates by reference the allegation contained in paragraphs 1 through 35 as if fully set forth herein.

37. Defendant Thomas placed the plaintiff in apprehension of imminent harm when she moved towards him with her hands.

38. Defendant Thomas committed a battery when she touched the plaintiff without his consent or non-consensually as she grabbed him by the pants and hands on June 7, 2001.

39. Wherefore, Plaintiff demands judgment against the Defendant for actual and compensatory damages with interest, costs and attorney's fees for pain and suffering, emotional distress and lost income.

COUNT IV-PUBLIC POLICY EXCEPTION OF AT-WILL EMPLOYMENT  
DOCTRINE

40. Plaintiff repeats and incorporates by reference the allegation contained in paragraphs 1 through 39 as if fully set forth herein.

41. Defendant's actions against the plaintiff after the plaintiff reported the problems with his co-workers not carrying out their work was in violation of the public policy exception to the at-will employment law.

42. Wherefore, Plaintiff demands judgment against the Defendant for actual and compensatory damages with interest, costs and attorney's fees for pain and suffering, emotional distress and lost income.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL ISSUES.

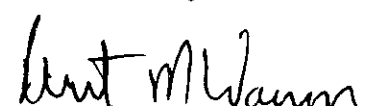
. HEREBY ATTEST AND CERTIFY ON  
SEPT. 21, 2004, THAT THE  
FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY: 

ASSISTANT CLERK.

Respectfully submitted,  
Alfousseiny Kelly  
By his attorney,

  
Robert M. Warren  
BBO #555661  
11 Green Street  
Jamaica Plain, MA 02130  
(617) 983-1441

CHARGE OF DISCRIMINATION  
MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

---

FEPA NUMBER:	FILING DATE:
EEOC:	VIOLATION DATES: June 12, 2001

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NAME OF AGGRIEVED PERSON	TELEPHONE NUMBERS
Alfousseiny Kelly 15 Parkside Street Jamaica Plain, MA 02130	(617) 429-2156

---

NAMED ARE THE EMPLOYERS WHO DISCRIMINATED AGAINST HER:

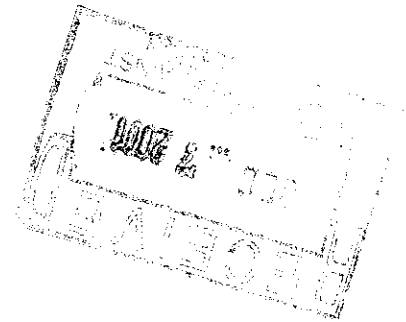
Marche/Movenpick  
Rich Tree (U.S.) Inc.  
c/o Marche Boston  
800 Boylston Street  
P.O. Box 990007  
Boston, MA 02199

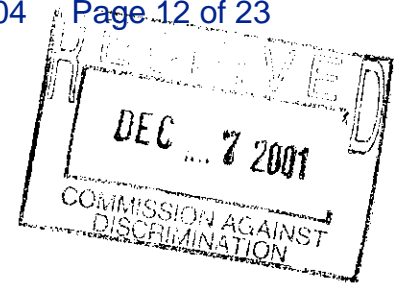
Igor Reichert  
Marche Movenpick  
A Division of Richtree (U.S.) Inc.  
111 Richmond Street West, Suite 1500  
Toronto, Ontario M5H 2G4  
Canada

Holger Mammen  
General Manager  
Rich Tree (U.S.) Inc.  
c/o Marche Boston  
800 Boylston Street  
P.O. Box 990007  
Boston, MA 02199

Liza Kastrom  
Human Resources  
Rich Tree (U.S.) Inc.  
c/o Marche Boston  
800 Boylston Street  
P.O. Box 990007  
Boston, MA 02199

Martine Thomas  
Rich Tree (U.S.) Inc.  
c/o Marche Boston  
800 Boylston Street  
P.O. Box 990007  
Boston, MA 02199





Elie ?  
Rich Tree (U.S.) Inc.  
c/o Marche Boston  
800 Boylston Street  
P.O. Box 990007  
Boston, MA 02199

---

DISCRIMINATION BASED ON NATIONAL ORIGIN AND RACE

---

THE PARTICULARS ARE:

1. I am 39 years old.
2. I was born in Mali, Africa.
3. I was an employee of Marche Movenpick/Rich Tree (U.S.) Inc., 800 Boylston Street, P.O. Box 990007, Boston, MA 02199 from March 23, 2000 until June 12, 2001 when I was terminated.
4. Marche Movenpick/Rich Tree (U.S.) employs more than 6 people.
5. Igor Reichert is the President/Owner of Marche Movenpick/Rich Tree (U.S.).
6. Holger Mammen is the General Manager of Marche/Movenpick Restaurant/Rich Tree (U.S.) in Boston, Massachusetts.
7. Liza Kastrom is the Human Resources Director of Marche/Movenpick Restaurant/Rich Tree (U.S.) in Boston, Massachusetts.
8. Martine Thomas was a supervisor of mine of Marche/Movenpick Restaurant/Rich Tree (U.S.) in Boston, Massachusetts.
9. Elie was a supervisor of mine of Marche/Movenpick Restaurant/Rich Tree (U.S.) in Boston, Massachusetts.
10. My primary responsibility was as a pastry chef for the Restaurant.
11. During my employment with Marche, I received very good evaluations including as recent as April, 2001 when Martine Thomas gave me a good evaluation for my work.
12. During my employment, I complained to human resources and the General Manager about the lack of contribution to the work of the pastry department by my co-workers. As a result, I was forced to work harder and perform the required work of two to three employees.

13. In May, 2001, I complained to Holger Mammen, telling him that I was very tired after my shift because my co-workers were clocking in and then disappearing for long periods of time leaving me to do their work as well as my own.
14. Mr. Mammen told me that he would speak with Ms. Thomas, Elie and Leo from administration about the situation.
15. A meeting took place between myself, Mr. Mammen, Ms. Thomas and Elie. I told them I was doing the work of five employees and that nobody was helping me. I said I could not do the job and that I needed help.
16. On June 7, 2001, I was working when I was told by Ms. Thomas that a customer complained that I refused to give ice to a customer. I told her I did not know what she was talking about and I denied the accusation.
17. Ms. Thomas then grabbed me by the pants and grabbed my hands without my consent. She told me to "Leave now!"
18. I was in shock, but I told her I would leave. I then went to Ms. Kastrom and told her that Ms. Thomas assaulted me and attacked me. All I told Ms. Thomas during her attack was "Don't do it."
19. As a result Ms. Kastrom sent me home with a warning for "rudeness to employees or customers "and that I was upset at my station.
20. On June 12, 2001, Marche/Movenpick terminated me.
21. During my employment with Marche/Movenpick/Rich Tree (U.S.) I observed that my Brazilian co-workers were treated more favorable then my treatment.
22. I observed Elie, my supervisor, give favorable treatment to the Brazilian employees who worked with me.
23. In addition, Elie told me "I don't like your face!" I considered that statement discrimination.
24. Some of these employees are the same ones who failed to do their work leaving me to complete those tasks. Yet, I was disciplined and fired for complaining about this disparate treatment.
25. In March, 2001, Igor Reichert, the owner and President of Marche/Movenpick met me at my work station and both complimented my work and apologized for the situation there. As such, the highest levels of management were aware of the problems at my workplace yet chose to do nothing about it except to fire me.

COUNT ONE  
NATIONAL ORIGIN DISCRIMINATION

26. The allegations contained in paragraphs 1 through 15 are repeated and incorporated herein by reference.
27. By the conduct described in paragraphs 1 through 25, Marche/Movenpick/Rich Tree (U.S.), Igor Reichert, Mr. Mammen, Ms. Kastrom, Ms. Thomas and Elie discriminated against me, a member of a protected class, on the basis of national origin in violation of Massachusetts General Laws Chapter 151B.

COUNT TWO  
RACE DISCRIMINATION

28. The allegations contained in paragraphs 1 through 27 are repeated and incorporated herein by reference.
29. By the conduct described in paragraphs 1 through 27, Marche/Movenpick/Rich Tree (U.S.), Igor Reichert, Mr. Mammen, Ms. Kastrom, Ms. Thomas and Elie discriminated against me, a member of a protected class, on the basis of race in violation of Massachusetts General Laws Chapter 151B.

Therefore, I respectfully ask the Commission to grant such relief as it deems fair and just including, but not limited to, back pay, front pay, emotional distress damages, medical expenses, costs and attorneys fees.

  
ALFOUSSEINY KELLY

Appeared before me the above named Alfousseiny Kelly and made his signature in my presence, having sworn and affirmed the above statements on this 6th day of December, 2001

  
Notary Public

My Commission Expires: February 24, 2006

**The Commonwealth of Massachusetts  
Commission Against Discrimination  
One Ashburton Place, Boston, MA 02108  
Phone: (617) 994-6000 Fax: (617) 994-6024**

MCAD DOCKET NUMBER: 01BEM10126  
FILING DATE: 12/07/01

EEOC/HUD CHARGE NUMBER: 16CA200864  
VIOLATION DATE: 06/12/01

Name of Aggrieved Person or Organization:

Alfousseiny Kelly  
15 Parkside Street  
Jamaica Plain, MA 02130  
Primary Phone: (617)429-2156 ext. \_\_\_\_\_

Named is the employer, labor organization, employment agency, or state/local government agency who discriminated against me:

Marche/Movenpick, et, al.  
Attn: Human Resources  
P.O. Box 990007  
Boston, MA 02199

Igor Reichert  
Marche Movenpick

800 Boylston Street  
Boston, MA 02199

Holger Mammen  
Marche Movenpick

P.O. Box 990007  
Boston, MA 02199

Liza Kastrom  
Rich Tree U.S. Inc.  
Attn: Human Resources  
P.O. Box 990007  
Boston, MA 02199

Martine Thomas  
Rich Tree U.S., Inc.  
c/o Marche Boston  
P.O. Box 990007  
Boston, MA 02199

Elie "LNU"  
Rich Tree U.S. Inc.

P.O. Box 990007

Boston, MA 02199

No. of Employees: 20 +

Work Location: Boston, MA

-----  
Cause of Discrimination based on:

National Origin, African; Race, Color, Black (Non-Hispanic).  
-----

The particulars are:

I, Alfousseiny Kelly, the Complainant believe that I was discriminated against by Marche/Movenpick, et, al., Igor Reichert, Holger Mammen, Liza Kastrom, Martine Thomas, Elie "LNU", on the basis of National Origin, Race, Color. This is in violation of M.G.L. 151B Section 4 Paragraph 1 and Title VII.

see attached  
-----

I swear or affirm that I have read this complaint and that it is true to the best of my knowledge, information and belief.

\_\_\_\_\_  
(Signature of Complainant)

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS DAY of 2/5/2002.

NOTARY PUBLIC: \_\_\_\_\_

SIGNATURE NOTARY PUBLIC: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_



PLAINTIFF(S)

Alfousseiny Kelly

DEFENDANT(S)

Marche/Movenpick, Rich Tree USA, Igor Reichert, Holger Mammen, Liza Kastrom, Martine Thomas, Elie Ghorayeb

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE

Robert M. Warren

11 Green St, Jamaica Plain, MA 02130

Board of Bar Overseers number: 555661 (617) 983-1441

ATTORNEY (if known)

Andrew Pickett, Esq.

Jackson, Lewis, Schnitzler, Kruoman

One Beacon St, Boston, MA 02108

(617) 367-0025

Origin code and track designation

Place an x in one box only:

- ☒ 1. F01 Original Complaint  
☐ 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)  
☐ 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

- ☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)  
☐ 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)  
☐ 6. E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO.

TYPE OF ACTION (specify)

TRACK

IS THIS A JURY CASE?

B99

Tort

(F)

(X) Yes

( ) No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

A. Documented medical expenses to date:

1. Total hospital expenses ..... \$ ?  
2. Total Doctor expenses ..... \$  
3. Total chiropractic expenses ..... \$  
4. Total physical therapy expenses ..... \$  
5. Total other expenses (describe) ..... \$

Subtotal \$

B. Documented lost wages and compensation to date

C. Documented property damages to date ..... \$ 4,000.00+

D. Reasonably anticipated future medical and hospital expenses ..... \$

E. Reasonably anticipated lost wages ..... \$

F. Other documented items of damages (describe) ..... \$

Emotional Distress/Pain and Suffering ..... \$ 250,000.00

G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

The plaintiff was injured by the Defendants' discrimination, assault and battery and violation of public policy when it terminated plaintiff causing severe pain and suffering and emotional distress as well as future earnings

\$

TOTAL \$ 254,000.00

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

*Robert M. Warren*

DATE: 9/29/04

HEREBY ATTEST AND CERTIFY ON

SEPT. 21, 2004 THAT THE

FOREGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE, AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY

ASSISTANT CLERK.

## Commonwealth of Massachusetts

3

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION

No. 04-2461

ALFOUSSEINY KELLY

, Plaintiff(s)

v.

IGOR REICHERT

Defendant(s)

## SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon Robert M. Warren

plaintiff's attorney, whose address is 11 Green Street, Jamaica Plain, MA 02130, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at Boston, the Thirteenth day of August, in the year of our Lord two thousand and four.

Clerk/Magistrate

## NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY; PLEASE CIRCLE TYPE OF ACTION INVOLVED:  
(1) TORT (2) MOTOR VEHICLE TORT (3) CONTRACT (4) EQUITABLE RELIEF (5) OTHER

FORM CIV.P. 13rd Rev.

HEREBY ATTEST AND CERTIFY ON

SEPT. 21, 2004, THAT THE  
FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY

ASSISTANT CLERK.

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

## Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION

No. 04-2461

ALFOUSSEINY KELLY

Plaintiff(s)

v.

ELIE GHORAYEB

Defendant(s)

## SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon ROBERT M. WARREN

plaintiff's attorney, whose address is 11 Green Street, Jamaica Plain, MA 02130, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DeVecchio, Esquire, at Boston, the Thirteenth day of August, in the year of our Lord two thousand and four

Clerk/Magistrate

## NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY PLEASE CIRCLE TYPE OF ACTION INVOLVED  
(1) TORT (2) MOTOR VEHICLE TORT (3) CONTRACT (4) EQUITABLE RELIEF (5) OTHER

FORM CIV.P. 1 3rd Rev.

## I HEREBY ATTEST AND CERTIFY ON

SEPT. 21, 2004, THAT THE

FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY

ASSISTANT CLERK.

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but if you claim to have a defense, you must serve a copy of your written answer within 20 days of specified service and a so file the original in the Clerk's Office.

## Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION

No. 04-2461

ALFOUSSEINY KELLY

Plaintiff(s)

v.

MARTINE THOMAS

Defendant(s)

## SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon ROBERT M. WARREN

plaintiff's attorney, whose address is 11 Green Street, Jamaica Plain, MA 02130, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at Boston, the Thirteenth day of August, in the year of our Lord two thousand and four

Clerk/Magistrate

## NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY, PLEASE CIRCLE TYPE OF ACTION INVOLVED  
(1) TORT (2) MOTOR VEHICLE TORT (3) CONTRACT (4) EQUITABLE REMEDY (5) OTHER

FORM CIV.P. 1 3rd Rev.

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MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY:

ASSISTANT CLERK.

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

## Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION

No. 04-2461

ALFOUSSEINY KELLY

, Plaintiff(s)

v.

LIZA KASTROM

Defendant(s)

## SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon ROBERT M. WARREN

plaintiff's attorney, whose address is 11 Green Street, Jamaica Plain, MA 02130, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at Boston, the Thirteenth day of August, in the year of our Lord two thousand and four.

Clerk/Magistrate

## NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY PLEASE CIRCLE TYPE OF ACTION INVOLVED  
(1) TORT (2) MOTOR VEHICLE TORT (3) CONTRACT (4) EQUITABLE RELIEF (5) OTHER

FORM CIV.P. 13d Rev.

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MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY

ASSISTANT CLERK.

NOTICE TO DEFENDANT: — You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

## Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTION

No. 04-2461

ALFOUSSEINY KELLY

Plaintiff(s)

v.

HOLGER MAMMEN

Defendant(s)

## SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon ROBERT M. WARREN

plaintiff's attorney, whose address is 11 Green Street, Jamaica Plain, MA 02130, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at Boston, the Thirteenth day of August, in the year of our Lord two thousand and four

Clerk/Magistrate

## NOTES

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY PLEASE CIRCLE TYPE OF ACTION INVOLVED  
(1) TORT (2) MOTOR VEHICLE TORT (3) CONTRACT (4) EQUITABLE RELIEF (5) OTHER

FORM CIV.P. 13rd Rev.

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MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY:

ASSISTANT CLERK.

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

## Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
CIVIL ACTIONNo. 04-2461ALFOUSSEINY KELLY

Plaintiff(s)

v.

MARCHE/MOVENPICK, RICHTREE, U.S.A.

Defendant(s)

## SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon ROBERT M. WARREN

plaintiff's attorney, whose address is 11 Green Street, Jamaica Plain, MA 02130, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Suzanne V. DelVecchio, Esquire, at Boston, the Thirteenth day of August, in the year of our Lord two thousand and four.

Clerk/Magistrate

## NOTES

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3. TO PLAINTIFF'S ATTORNEY PLEASE CIRCLE TYPE OF ACTION INVOLVED:  
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MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT

BY

ASSISTANT CLERK.

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but if you claim to have a defense, other than one of the defenses listed below, you must appear in court with an attorney. If you fail to appear in court with an attorney, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.